



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

July 13, 2006

MEMORANDUM

TO: Intermediate School Districts, Local Education Agencies, Public School Academies, Institutions of Higher Education, professional organizations, private profit and non-profit organizations, including parent and advocacy organizations and other interested parties

FROM: Jacquelyn J. Thompson, Ph.D., Director
Office of Special Education and Early Intervention Services

SUBJECT: Due Process Hearing Complaints

July 1, 2006 marked the beginning of a new system for due process hearings in Michigan. Under Michigan Administrative Rules for Special Education (MARSE) due process hearings will be conducted by the Department of Education using a single tier system. The administrative law judges (ALJs) holding the hearings will be provided by Michigan's central panel of ALJs, the State Office of Administrative Hearings and Rules (SOAHR).

In order to clarify this new system, Department of Education Special Education Hearing Emergency Rules were signed by Governor Granholm on June 30, 2006. They were filed with the Secretary of State and became effective as of June 30, 2006. These emergency rules establish procedures for due process hearings filed on or after July 1, 2006. In addition, these rules pertain to any State level review originating from a due process hearing filed prior to July 1, 2006; such reviews will be administered by the Department of Education under the emergency rules.

The emergency rules remain in effect for six months. A link to the emergency rules can be found at: www.michigan.gov/ose-eis. Proposed Michigan Administrative Rules for Special Education Due Process Procedures will be available for public comment from July 14, 2006 through August 14, 2006. Public Hearings will be conducted on Monday, August 14, 2006 in St. Johns (Clinton County Regional Education Agency) and Marquette (Marquette-Alger Regional Education Agency) from 2:00-5:00 PM. A notice of Public Hearings will be available on July 14, 2006 at: www.michigan.gov/ose-eis. Public comment may be submitted in writing or filed electronically to:

Public Comment
Office of Special Education and Early Intervention Services
Michigan Department of Education
P. O. Box 30008
Lansing, MI 48909
Email: MDE-OSE@mi.gov
Fax: 517-373-7504

OSE/EIS 06-13

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Effective immediately, all requests for due process hearings, and State level reviews (originating from a due process hearing filed prior to July 1, 2006) must be filed with the Office of Special Education and Early Intervention Services (OSE/EIS), at the address below. A model form is available on the MDE-OSE/EIS website. Use of the form is not required; however, due process hearing complaints must meet the requirements of IDEA, 20 U.S.C. 1415(b)(7)(A).

Mail or fax requests for due process hearing/State level reviews to:

Michigan Department of Education
Office of Special Education and
Early Intervention Services
P.O. Box 30008
Lansing, Michigan 48909
ATTN: Due Process Hearings

-OR-

Fax to: 517/373-7504, ATTN: Due Process Hearings

A coordinator has been assigned by the OSE/EIS as case manager for due process hearings and reviews. If you have questions contact:

Harvalee Saunto, M.A., J.D.
Due Process Hearing Coordinator
Michigan Department of Education
Office of Special Education and Early Intervention Services
608 W. Allegan Street
P.O. Box 30008
Lansing, Michigan 48909

Phone: 517/241-7507
Email: sauntoh@michigan.gov

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